

The Commissioner is also hereby authorized to charge Deposit Account No. 14-1431 for any additional fees which may be due under 37 C.F.R. 1.16 or 1.17.

In response to the Official Action dated November 13, 2002, please take note of the following remarks and accompanying declaration.

REMARKS:

Claims 1-65 are in the case and presented for consideration.

All of the claims 1-65 were rejected pursuant to 35 U.S.C. §103 as obvious from a combination of the teaching of U.S. Patents 6,223,143 to Weinstock in view of U.S. Patent 6,202,060 to Tran. No other rejection of the claims was made.

Applicant notes that Weinstock '143 issued from an application filed August 31, 1998 without priority.

The 37 C.F.R. 1.131 declaration of the inventor, Thomas Packwood, is submitted herewith showing that he invented the invention recited in claims 1-65 prior to the filing of the Weinstock '143 patent application. Specifically, the memorandum and attachments from the inventor dated August 10, 1998 demonstrates that he had possession of his invention prior to the filing of the Weinstock '143 application. Portions of the memorandum and attachments have been redacted due to the confidential and sensitive nature of the bank operations which

applicant used to illustrate the invention. The actual values associated with the risk factors and names of bank employees of the assignee of this application have been redacted. Also, only a portion of the full Appendices A and B identified in the memorandum are enclosed. The additional portions of these Appendices are cumulative with what is illustrated in the pages provided.

The memorandum and portions of the Appendixes enclosed clearly show that the applicant had possession of the claimed invention prior to the Weinstock '143 application filing date. Appendix A illustrates the use of color coding (indicia) to identify risk factors having three ranges of risk levels: compliant, acceptable/warning and unacceptable levels. Appendix A also shows the definition of the risk level ranges associated with each risk factor and the risk factors are in connection with a financial institution. Thus, the elements of independent claims 1 and 18 are shown to have been invented prior to the Weinstock '143 application filing.

The August 10, 1998 memorandum indicates on page 2 in the discussion of the report preparation that it can be generated by computer. Thus, the elements of independent claim 29 are also shown to have been invented prior to the Weinstock '143 application filing date.

The memorandum discusses use of tolerance levels for risk factors and Appendix B illustrates an assignment of tolerance

levels to risk factors. Therefore, the elements of independent claim 56 are also shown to have been invented prior to the Weinstock '143 application filing date.

The inventor's declaration submitted herewith clearly removes Weinstock '143 as a valid reference to this application under 35 U.S.C. §102 or §103. Therefore, applicant respectfully requests withdrawal of the rejection and allowance of the claims, there being no other objections or rejections.

The application and claims are believed to be in condition for allowance, and favorable action is respectfully requested.

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will advance the application to allowance.

Favorable action is respectfully requested.

Respectfully submitted,



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